IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 13157 of 2007

For Approval and Signature:

HONOURABLE MR.JUSTICE AKSHAY H.MEHTA

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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H.M. SHAH
Versus
STATE OF GUJARAT AND OTHERS

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Appearance :
MR PARESH UPADHYAY for the Petitioner
Mr Krunal Pandya, Assistant Government Pleader for the respondents

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CORAM : HONOURABLE MR.JUSTICE AKSHAY H.MEHTA

Date : 11/05/2007

ORAL JUDGMENT

Leave to amend.

Rule. Mr Krunal Pandya, learned Assistant Government Pleader

waives service of Rule for the respondents. At the request of the learned advocates for the parties, the matter is taken up for final hearing at the admission stage.

The only grievance that is made in this petition is that though the petitioner has filed appeal against order of respondent No.3 dated 31st July 2006 and which is received by the office of the appellate authority i.e. respondent No.5 on 25th September 2006, the same is not yet decided. It is the grievance of the petitioner that the question of grant of lease to him is still under consideration in appeal. The respondent-authorities granting permission to third party for excavation of clay. Hence, there is urgency.

I have heard Mr Vaibhav Vyas, learned advocate for the petitioner and Mr Krunal Pandya, learned Assistant Government Pleader for the respondents.

Considering the facts stated as above, respondent No.5 is directed to decide the appeal of the petitioner in accordance with law as early as possible and in any case not later than 31st August 2007. He will be at liberty to examine all the issues including that of the limitation.

With the aforesaid directions, the Special Civil Application is partly allowed. Rule is made absolute to the aforesaid extent. No order as to costs.

(Akshay H Mehta, J.)

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